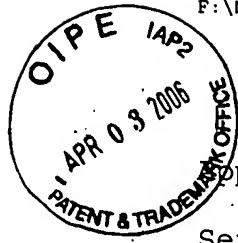


04-04-06

373/80



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Johann F. Hellenkamp

Serial No.: 10/062,178

Filing Date: January 31, 2002

For: AUTOMATIC SURGICAL DEVICE AND CONTROL ASSEMBLY  
FOR CUTTING A CORNEA

Confirmation No. 9383  
Customer No. 04912  
Group Art Unit 3731  
Thaler, Michael H., Examiner

2800 S.W. Third Avenue  
Historic Coral Way  
Miami, Florida 33129

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF EXPRESS MAILING

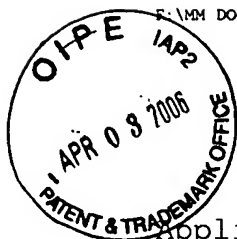
I HEREBY CERTIFY that this correspondence is being deposited by United States Express Mail, Label No. EV-782-347-218-US, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 3<sup>rd</sup> day of April, 2006.

Respectfully Submitted,

MALLOY & MALLOY, P.A.  
Attorneys for Applicant  
2800 S.W. 3<sup>rd</sup> Avenue  
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By: Jennie S. Malloy  
Jennie S. Malloy  
Reg. No. 37,670  
Peter A. Matos  
Reg. No. 37,884

Date: 4-3-06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Johann F. Hellenkamp  
Serial No.: 10/062,178  
Filing Date: January 31, 2002  
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2800 S.W. Third Avenue  
Historic Coral Way  
Miami, Florida 33129  
April 3, 2006

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with Applicant's duty of disclosure, the attached information is provided for consideration by the U.S. Patent and Trademark Office ("PTO") in connection with the above-captioned application. The information is identified on the attached form PTO/SB/08A.

The documents identified on the attached form PTO/SB/08A were cited and/or referenced in foreign patent cases for

inventions related to the invention of the present application. It is pointed out that two of the enclosed references are foreign patent documents to Hellenkamp, the above-named inventor, and while believed not to constitute prior art because of the claim of priority made by each to an earlier U.S. patent application, are submitted herewith in an abundance of caution. Also, it is believed that three of the attached Japanese references namely, JP 59-22545, JP 61-73657, and JP 5-72827 correspond to the following U.S. patents, respectively, U.S. Patent No. 4,515,157 (Federov et al.), 4,662,370 (Hoffmann et al.), and 5,133,726 (Ruiz).

A copy of each reference listed on form PTO/SB/08A is attached for review by the PTO. The Examiner is respectfully requested to return an initialed copy of the PTO/SB/08A form enclosed herewith evidencing consideration of the information with the next Office Action.

In the event that any fee may be required by the filing of this paper, the Commissioner is hereby authorized to charge any fees and/or credit to our **Deposit Account No. 13-1227.**

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Respectfully Submitted,

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Attorneys for Applicant  
2800 S.W. 3<sup>rd</sup> Avenue  
Historic Coral Way  
Miami, Florida 33129  
(305)858-8000

By:



Jennie S. Malloy  
Reg. No. 37,670  
Peter A. Matos  
Reg. No. 37,884

Date: \_\_\_\_\_

4.3.06

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

**Complete if Known**

Application Number	10/062,178
Filing Date	January 31, 2002
First Named Inventor	Johann F. Hellenkamp
Art Unit	3731
Examiner Name	Thaler, Michael H.
Attorney Docket Number	1.096.01

Sheet	1	of	1
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## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>2</sup>
		Country Code <sup>3</sup> *Number <sup>4</sup> *Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
		JP 48-23098	1973			
		JP 59-22545	1984			
		JP 61-73657	1986			
		JP 5-72827	1993			
		AU 1997 18543 B2	08/28/1997	Hellenkamp		
		EP 0 977 532 B1	09/03/2003	Hellenkamp		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.**